

**UNITED STATES OF AMERICA,**

**v.**

**BILLY DARRYL FLOYD,**

**Defendant.**

In the Fourth Circuit, the standard outlined in subsection (a) is analyzed objectively by determining whether a reasonable person with knowledge of the relevant facts and circumstances

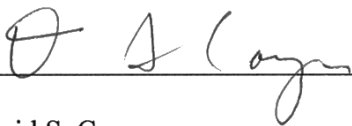
might question the judge's impartiality. See United States v. Cherry, 330 F.3d 658, 665 (4th Cir. 2003). “Bias or prejudice must be proven by compelling evidence.” Bardes v. US Courts, No. 1:17-cv-00089-MR-DLH, 2017 WL 3402080, at \*2 (W.D.N.C. August 8, 2017) (citing Brokaw v. Mercer County, 235 F.3d 1000, 1025 (7th Cir. 2000)). The movant must also demonstrate a bias that is extrajudicial or personal in nature, and which results in an opinion based upon something other than what was learned from the judge's participation in the case. Lindsey v. City of Beaufort, 911 F. Supp. 962, 967 n.4 (D.S.C. 1995). “In other words, no recusal is warranted if the alleged bias is ‘merely based upon the judge's rulings in the instant case or related cases....’” Farmer v. United States, Nos. 5:10-CR-271-FL-3, 5:12-CV-725-FL, 2013 WL 3873182, at \*3 (E.D.N.C. July 25, 2013) (quoting United States v. Carmichael, 726 F.2d 158, 160 (4th Cir. 1984)).

Defendant has not met his burden of showing that recusal of the undersigned is mandated. Defendant has presented nothing more than conclusory allegations of the undersigned’s bias or prejudice against him. Accordingly, Defendant’s “Motion to Recuse Judge” is DENIED.

The Clerk is directed to send copies of this Order to the Government, standby counsel for Defendant, and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: October 10, 2017

  
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David S. Cayer  
United States Magistrate Judge

